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**From:** Rickards, Lisa [Rickards.Lisa@epa.gov]  
**Sent:** 2/9/2021 9:19:08 PM  
**To:** Montgomery, Cheryl R CIV USARMY CEERD-EL (USA) [Cheryl.R.Montgomery@usace.army.mil]  
**CC:** Jacques, Wendy [Jacques.Wendy@epa.gov]; McCormick, Karen [McCormick.Karen@epa.gov]; Daniel, Michael [daniel.michael@epa.gov]; Franchelle.e.craft@usace.army.mil  
**Subject:** FW: Addendum RE: [Non-DoD Source] Re: Public Notice and Notice of Availability - Draft Site Management and Monitoring Plan for the Sabin- Neches Waterway Ocean Dredged Material Disposal Sites  
**Attachments:** Appendix A- Coordination.pdf

Link for SNWW Final EIS

<https://beta.regulations.gov/document/EPA-R06-OW-2011-0712-0003>

Attached: Appendix A: Coordination, section A3 describes EFH with their concurrence letter on page 251

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**From:** Montgomery, Cheryl R CIV USARMY CEERD-EL (USA) <Cheryl.R.Montgomery@usace.army.mil>  
**Sent:** Tuesday, February 9, 2021 2:56 PM  
**To:** McCormick, Karen <McCormick.Karen@epa.gov>; Rickards, Lisa <Rickards.Lisa@epa.gov>; Jacques, Wendy <Jacques.Wendy@epa.gov>; Daniel, Michael <daniel.michael@epa.gov>; Hudson, Jayson M CIV USARMY CESWG (USA) <Jayson.M.Hudson@usace.army.mil>  
**Cc:** Nealy, Franchelle E CIV USARMY CESWG (USA) <Franchelle.E.Craft@usace.army.mil>  
**Subject:** Addendum RE: [Non-DoD Source] Re: Public Notice and Notice of Availability - Draft Site Management and Monitoring Plan for the Sabin- Neches Waterway Ocean Dredged Material Disposal Sites

Text below found in "G. Regulatory Requirements"

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**From:** Montgomery, Cheryl R CIV USARMY CEERD-EL (USA)  
**Sent:** Tuesday, February 9, 2021 3:40 PM  
**To:** McCormick, Karen <McCormick.Karen@epa.gov>; Rickards, Lisa <Rickards.Lisa@epa.gov>; Jacques, Wendy <Jacques.Wendy@epa.gov>; Daniel, Michael <daniel.michael@epa.gov>; Hudson, Jayson M CIV USARMY CESWG (USA) <Jayson.M.Hudson@usace.army.mil>  
**Cc:** Nealy, Franchelle E CIV USARMY CESWG (USA) <Franchelle.E.Craft@usace.army.mil>  
**Subject:** RE: [Non-DoD Source] Re: Public Notice and Notice of Availability - Draft Site Management and Monitoring Plan for the Sabin- Neches Waterway Ocean Dredged Material Disposal Sites

Agree - this looks like it has been done. Within the original designation, I found the following (page 73102)

"3. Magnuson-Stevens Fishery Conservation and Management Act of 1996

The designation of the SNWW A-D ODMDS will not adversely affect essential fish habitat. By letter dated March 8, 2010, the National Marine Fisheries Service concurred with the USACE findings that beneficial features associated with the project would offset any adverse impacts of the Waterway Expansion project."

Can we get our hands on the documentation from the original consult so we can specifically direct them to where in their files they can check this?

~C

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**From:** McCormick, Karen <McCormick.Karen@epa.gov>  
**Sent:** Tuesday, February 9, 2021 12:49 PM

**To:** Rickards, Lisa <Rickards.Lisa@epa.gov>; Jacques, Wendy <Jacques.Wendy@epa.gov>; Daniel, Michael <daniel.michael@epa.gov>

**Cc:** Montgomery, Cheryl R CIV USARMY CEERD-EL (USA) <Cheryl.R.Montgomery@usace.army.mil>; Nealy, Franchelle E CIV USARMY CESWG (USA) <Franchelle.E.Craft@usace.army.mil>

**Subject:** FW: [Non-DoD Source] Re: Public Notice and Notice of Availability - Draft Site Management and Monitoring Plan for the Sabin- Neches Waterway Ocean Dredged Material Disposal Sites

FYI

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**From:** Hudson, Jayson M CIV USARMY CESWG (USA) <Jayson.M.Hudson@usace.army.mil>

**Sent:** Tuesday, February 09, 2021 11:45 AM

**To:** McCormick, Karen <McCormick.Karen@epa.gov>

**Subject:** RE: [Non-DoD Source] Re: Public Notice and Notice of Availability - Draft Site Management and Monitoring Plan for the Sabin- Neches Waterway Ocean Dredged Material Disposal Sites

Karen,

The site is definitely EFH, but NMFS is targeting the wrong action for consultation. The federal action for this is the designation of the site through rule making. It would have also been covered in the Corps EIS for the federal project since they were identified as preferred sites. Page 6 of the pdf of the attached final rule designating sites A-D clearly indicates the process was completed and that NMFs concurred on March 8, 2010.

I would remind NMFS that the consultation was completed in 2010 and the requirement to update the SMMP does not constitute new information necessitating re-evaluation.

Jayson

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**From:** McCormick, Karen <McCormick.Karen@epa.gov>

**Sent:** Tuesday, February 9, 2021 10:47 AM

**To:** Hudson, Jayson M CIV USARMY CESWG (USA) <Jayson.M.Hudson@usace.army.mil>

**Subject:** FW: [Non-DoD Source] Re: Public Notice and Notice of Availability - Draft Site Management and Monitoring Plan for the Sabin- Neches Waterway Ocean Dredged Material Disposal Sites

Jayson – since you have more knowledge about this process, I was wondering if I could reach out to you to discuss. Need to sooner than later. Thanks

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**From:** Daniel, Michael <daniel.michael@epa.gov>

**Sent:** Tuesday, February 09, 2021 10:42 AM

**To:** Jacques, Wendy <Jacques.Wendy@epa.gov>; Rickards, Lisa <Rickards.Lisa@epa.gov>; McCormick, Karen <McCormick.Karen@epa.gov>

**Subject:** RE: [Non-DoD Source] Re: Public Notice and Notice of Availability - Draft Site Management and Monitoring Plan for the Sabin- Neches Waterway Ocean Dredged Material Disposal Sites

I agree with Cheryl. It seems like this should have been identified in the original designation whether it's 1-4 or A-D. If it moves forward, we would need documentation (maps, report etc).

Michael Daniel  
Marine, Coastal and Nonpoint Source  
US EPA Region 6 WD-AM  
1201 Elm St., Suite 500  
Dallas, TX 75270-2102

phone: 214-665-8374  
FAX: 214-665-6689

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**From:** Jacques, Wendy <[Jacques.Wendy@epa.gov](mailto:Jacques.Wendy@epa.gov)>  
**Sent:** Tuesday, February 9, 2021 7:49 AM  
**To:** Rickards, Lisa <[Rickards.Lisa@epa.gov](mailto:Rickards.Lisa@epa.gov)>; Daniel, Michael <[daniel.michael@epa.gov](mailto:daniel.michael@epa.gov)>; McCormick, Karen <[McCormick.Karen@epa.gov](mailto:McCormick.Karen@epa.gov)>  
**Subject:** FW: [Non-DoD Source] Re: Public Notice and Notice of Availability - Draft Site Management and Monitoring Plan for the Sabin- Neches Waterway Ocean Dredged Material Disposal Sites

Good morning,

See NOAA's comment and Cheryl's suggestion below.

Wendy

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**From:** Montgomery, Cheryl R CIV USARMY CEERD-EL (USA) <[Cheryl.R.Montgomery@usace.army.mil](mailto:Cheryl.R.Montgomery@usace.army.mil)>  
**Sent:** Friday, February 05, 2021 3:45 PM  
**To:** Jacques, Wendy <[Jacques.Wendy@epa.gov](mailto:Jacques.Wendy@epa.gov)>; Nealy, Franchelle E CIV USARMY CESWG (USA) <[Franchelle.E.Craft@usace.army.mil](mailto:Franchelle.E.Craft@usace.army.mil)>  
**Subject:** RE: [Non-DoD Source] Re: Public Notice and Notice of Availability - Draft Site Management and Monitoring Plan for the Sabin- Neches Waterway Ocean Dredged Material Disposal Sites

Wendy/Franchelle - my first reaction is to ask them to be more specific (perhaps provide information?) on their determination of where they identified mixed sand/silt/clay bottom and marine water column within the project area as EFH. Is it a portion project area or all of the all of the ODMDs?

I am curious to know what could have changed that would require this evaluation now. Part of why we need clarity from them:

- 1) ODMDs 1-4 are and have been used for decades for maintenance material disposal; and
- 2) ODMDs A-D were designated in the Federal Register in 2013, which is quite recent (at least in this business).  
The 2013 designation of ODMDs A-D predates my involvement with the SNWW project but would this not already have been covered then?

Although their comment is not specific, with the on-going use of ODMDs 1-4 for maintenance, I suspect their concern is with ODMDs A-D.

I don't think follow-up with NMFS needs to wait until all of the comments are in. The best way to handle comments if we can is one-on-one with the commenter.

Thoughts?

~C

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**From:** charrish stevens - NOAA Federal <[charrish.stevens@noaa.gov](mailto:charrish.stevens@noaa.gov)>  
**Sent:** Friday, February 5, 2021 3:49 PM  
**To:** Jacques, Wendy <[Jacques.Wendy@epa.gov](mailto:Jacques.Wendy@epa.gov)>; Montgomery, Cheryl R CIV USARMY CEERD-EL (USA) <[Cheryl.R.Montgomery@usace.army.mil](mailto:Cheryl.R.Montgomery@usace.army.mil)>; Nealy, Franchelle E CIV USARMY CESWG (USA) <[Franchelle.E.Craft@usace.army.mil](mailto:Franchelle.E.Craft@usace.army.mil)>  
**Cc:** Swafford, Rusty <[rusty.swafford@noaa.gov](mailto:rusty.swafford@noaa.gov)>

**Subject:** [Non-DoD Source] Re: Public Notice and Notice of Availability - Draft Site Management and Monitoring Plan for the Sabine- Neches Waterway Ocean Dredged Material Disposal Sites

Dear Mrs. Wendy Jacques,

NOAA's National Marine Fisheries Service (NMFS) Habitat Conservation Division has reviewed your letter dated February 2, 2021, regarding the Public Notice and Notice of Availability for the Draft Site Management and Monitoring Plan (SMMP) for the Sabine-Neches Waterway (SNWW) Ocean Dredged Material Disposal Sites (ODMDS) 1-4 and A-D. In your letter, you stated the U.S. Environmental Protection Agency (USEPA) Region 6 and the U.S. Army Corps of Engineers (USACE) Galveston District have reviewed and revised the SMMP for the SNWW ODMDS and are soliciting public comment to identify issues and address concerns. The NMFS has reviewed the Draft SSMP for the SNWW ODMDS and identified potential essential fish habitat (EFH) under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) (Magnuson-Stevens Act; P.L. 104-297).

The proposed SMMP for the SNWW ODMDSs would provide assurances that ocean dredged material disposal activities will not unreasonably degrade the marine environment or endanger human health, economic potentialities, or other uses of the ocean. The SNWW ODMDSs are located off the shores of Texas and Louisiana border in the Gulf of Mexico, which are influenced by the SNWW.

The Gulf of Mexico Fishery Management Council has identified mixed sand/silt/clay bottom and marine water column within the project area as EFH. Federal agencies that permit, authorize, or fund activities potentially impacting EFH are required to consult with NMFS and, as a part of the consultation process, prepare an EFH assessment. An EFH consultation has not been initiated and an EFH Assessment has not been provided. A complete EFH assessment should include all activities associated with SNWW ODMDSs and a description of measures taken to avoid, minimize, mitigate, or offset the adverse impacts of the proposed activities on EFH. Based upon requirements in NMFS implementing regulations, an EFH assessment for these activities should include as a minimum the following information:

1. an analysis of the effects (including direct, indirect and cumulative effects) of proposed ODMS activities on EFH, associated federally managed fisheries, and their prey throughout the project areas;
2. management actions taken to avoid and minimize adverse impacts to EFH;
3. the USEPA and USACE's views regarding the effects of these activities on EFH and managed species; and,
4. proposed compensatory mitigation and adaptive management strategies, if unavoidable adverse impacts would result to EFH from the proposed activities.

The EFH consultation can be initiated independent of other project review tasks or can be incorporated in environmental planning documents. Upon review of the EFH assessment, NMFS will determine if it is necessary to provide EFH conservation recommendations on the project.

If you have questions regarding NMFS' review of this project, please contact Mrs. Charrish Stevens by telephone (713) 715-9613 or e-mail at [charrish.stevens@noaa.gov](mailto:charrish.stevens@noaa.gov).

Sincerely,

**Charrish Stevens**  
**Fishery Biologist**  
**Habitat Conservation Division**

**NOAA National Marine Fisheries Service**  
**4700 Ave U, Galveston, TX 77551**

**Currently Teleworking contact at**  
**Mobile Number: 713-715-9613**

**Office Ph: (409) 766-3699**  
**Fax: (409) 766-3575**  
**Email: [charrish.stevens@noaa.gov](mailto:charrish.stevens@noaa.gov)**

On Tue, Feb 2, 2021 at 1:56 PM Jacques, Wendy <[Jacques.Wendy@epa.gov](mailto:Jacques.Wendy@epa.gov)> wrote:

**TO ALL INTERESTED PARTIES:**

The United States Environmental Protection Agency (USEPA) Region 6 and the United States Army Corps of Engineers (USACE) Galveston District have reviewed and revised the Site Management and Monitoring Plan (SMMP) for the Sabine-Neches Waterway Ocean Dredged Material Disposal Sites (ODMDSs).

The EPA Final Rule designating the SNWW ODMDSs 1-4 pursuant to the MPRSA was published in the Federal Register September 10, 1987 and became effective October 13, 1987 (52 FR 175). On December 5, 2013, the EPA Final Rule designating four SNWW ODMDSs A-D pursuant to the MPRSA was published in the Federal Register; and became effective January 6, 2014 (78 FR 234).

The first SMMP for the SNWW ODMDSs 1-4 was developed in August 1996 and revised in December 2008. A subsequent SMMP was written to include four proposed channel extension ODMDSs (A-D) in May 2010. This revision of the SNWW ODMDSs SMMP replaces the 2010 SMMP and includes site monitoring and management for all eight SNWW ODMDSs: Sites 1-4 and A-D.

Under the MPRSA, it is the responsibility of the EPA and the USACE to monitor and manage ocean dredged material disposal sites to ensure that ocean dredged material disposal activities will not unreasonably degrade the marine environment or endanger human health. The MPRSA requires the development and periodic review and revision of a site management and monitoring plan (SMMP) for ODMDS. Following an opportunity for public review and comment, the SMMP provisions shall be requirements for all dredged material disposal activities at the SNWW ODMDSs. Section 103 (MPRSA) ocean disposal permits may be conditioned on a case by case basis to ensure consistency with the SMMP.

The USEPA and USACE encourage your participation to assure the plan provides necessary information for effective ODMDSs management. This Public Notice is being distributed via email with the SMMP included as an attachment and can also be accessed from EPA's website, <https://www.epa.gov/ocean-dumping/managing-ocean-dumping-epa-region-6>. Due to COVID-19 restrictions, EPA requests that all correspondence related to this public notice be conducted via email. Persons desiring to express their views or provide information to be considered in evaluating this document are

requested to send their comments to [R6OceanDumping@epa.gov](mailto:R6OceanDumping@epa.gov). If you have questions regarding the SMMP, please contact one of the following:

U.S. Environmental Protection Agency

Region 6

Wendy Jacques

(214) 665-7395

U.S. Army Corps of Engineers

Galveston District

Franchelle Craft

(409) 766-3187

U.S. Army Corps of Engineers

Engineer Research and Development Center

Cheryl R. Montgomery, Ph.D.

(978) 318-8644

Comments should make specific reference to this SMMP and must be submitted to the above email address on or before March 4, 2021.

Wendy Jacques

Ocean Dumping

Marine, Coastal and Nonpoint Source

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214.665.7395